

11-23-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gordon F. Grigor et. al.

Examiner: K. Nguyen

Serial No: 09/032,863

Art Group: 2674

Filing Date: 3/02/98

Docket No: 0100.01117

Title: METHOD AND APPARATUS FOR CONFIGURING MULTIPLE DISPLAYS  
ASSOCIATED WITH A COMPUTING SYSTEM

Official

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11/15/01

November 15, 2001

ATTN: EXAMINER K. NGUYEN

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Timothy J. Bechen

REQUEST FOR RECONSIDERATION

In response to a November 15, 2001 telephone interview with the Examiner, Applicants respectfully submit the following request for reconsideration. Furthermore, Applicants attorney graciously thank the Examiner for his courtesies in the telephone interview.

Applicants respectfully request reconsideration of the finality of the previous Office Action based on a several inconsistencies. While the Examiner has indicated that the rejections presented in Paper No. 17 were made with reference to prior art already within the record, Applicants respectfully submit that several inconsistencies warrant the rescission of the finality of the previous rejection of claims 24, 28-33 and 38-55. Moreover, Applicants submit the finality of the rejection is inconsistent with 37 CFR 1.113 and MPEP 706.07.

As a cursory review, in the Office Action, dated August 14, 2001, all pending claims were finally rejected based on 3 separate and distinct rejections.

- 1) Claims 24, 28-33 and 38-48 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kou in view of Zenda (5,559,525).
- 2) Claims 24, 28-48 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Caine.
- 3) Claims 49-55 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Caine in view of Zenda.

Regarding the rejection of claims 24 and 28-33 and 38-48 over Kou and Zenda, Applicants respectfully submit this rejection is a "new" rejection. As the Examiner noted in the phone interview of 11/15/01, claims 24 and 28-48 were previously rejected in an Office Action dated October 15, 1999, to which the Applicants respectfully contest. Applicants respectfully request reconsideration based on the following:

- (a) In the 10/15/99 Office Action, claims 1-41 were rejected as being unpatentable over a combination of Kou in view of Zenda (Patent No. 4,980,678) in view of Zenda (Patent No. 5,559,255). In the 8/14/01 Office Action, claims 24 and 28-48 were finally rejected as being unpatentable over Kou in view of Zenda (Patent No. 5,559,255) - a different combination of prior art references.
- (b) Claims 24 and 28-41 were first rejected over Kou in view of Zenda (5,559,255) in the 8/14/01 Office Action.
- (b) Claims 24 and 28-41 were originally rejected on October 15, 1999 in view of the Kou and Zenda (4,980,678) and Zenda (5,559,255). Therefore, claims 42-48 were first rejected over Kou in view of Zenda (5,559,255) in the 8/14/01 Office Action.
- (d) The claims rejected in the 10/15/99 Office Action, have been since amended. Therefore, claims 24 and 28-41, as amended, were first rejected over Kou in view of Zenda (5,559,255) in the 8/14/01 Office Action.

Regarding the rejection of claims 24, 29-33 and 38-55 as being unpatentable over Caine (and Caine in view of Zenda), Applicants respectfully submit that the rejection of these claims as a final rejection is improper. Request for reconsideration is based on the following:

- (a) Claims 49-55 were originally presented for review in the Amendment filed 5/31/01. The claims provide a new combination of claimed limitations, therefore claims 49-55 were first rejected over Caine in view of Zenda in the 8/14/01 Office Action.
- (b) In the 3/7/01 Office Action, claims 42-48 were rejected as being unpatentable over Caine in view of Odryna. Upon close inspection of pages 3 and 4 of the 3/7/01 Office

Action, claims 24, 29-33 and 38-41 were rejected as being unpatentable over Caine, but claims 42-48 (see Paragraph No. 7) "refer to the previous rejections as applied to claims 14, 17-19 and 21-23" which were rejected over Caine in view of Odryna. Therefore, claims 42-48 were first rejected over Caine in the 8/14/01 Office Action.

(c) In the 11/15/01 telephone interview with the Examiner, Examiner Nguyen asserted that claims 42-48 should have been properly rejected under 35 U.S.C. 103(a) as being unpatentable over Caine in view of Zenda instead of being rejected over Caine. Applicant submits the following:

- (i) Upon the Examiner's assertion, claims 42-48 were first rejected over Caine in view of Zenda in the 8/14/01 Office Action; and
- (ii) In view of the Examiner's assertion, Applicants were never given proper notice of the proper rejection and the chance to respond accordingly.

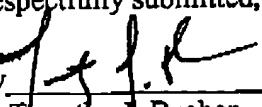
In view of each above-noted inconsistency, and the totality of thereof, Applicants respectfully request rescission of the finality of the previous Office Action. Applicants respectfully seek the opportunity to respond to the Examiner's position with regard to the above-noted references. More specifically, Applicants request an opportunity to respond to the Examiner's asserted rejection of claims 42-48 over Caine in view of Zenda, in view of the 11/15/01 Phone interview.

Applicants respectfully submit that the Examiner was initially contacted on November 14, 2001 to discuss the reconsideration of the finality of the present Office Action. At the Examiner's request, a phone interview was conducted on 11/15/01, after the statutory period for reply. Therefore, it is submitted that no fees shall be due with the submittal of this request for reconsideration, as it was originally presented within the statutory period for reply. However, the Patent Office is authorized to charge any fees necessary to charge account 22-0259, if so mandated.

Once again, Applicants' attorney extends thanks to the Examiner for the 11/15/01 phone interview and respectfully requests reconsideration and withdrawal of the finality of the previous Office Action (Paper No. 17). The Examiner is invited to contact the below-signed attorney to further advance the present case.

Respectfully submitted,

By

  
Timothy J. Bechen  
Reg. No. 48,126

November 15, 2001

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